

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

A BILL FOR

1 An Act relating to third-party commercial driver's license
2 testers and skills test examiners.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.187, Code 2016, is amended to read
2 as follows:

3 **321.187 Examiners.**

4 1. The department shall examine applicants for driver's
5 licenses. ~~Examiners of the department shall wear an~~
6 ~~identifying badge and uniform provided by the department.~~

7 2. The department may by rule designate community colleges
8 established under chapter 260C and other third-party testers to
9 administer the driving skills test required for a commercial
10 driver's license, provided that all of the following occur:

11 a. The driving skills test is the same as that which would
12 otherwise be administered by the state.

13 b. The third-party tester contractually agrees to comply
14 with the requirements of 49 C.F.R. §383.75 as adopted by rule
15 by the department.

16 c. Any third-party skills test examiner used by the
17 third-party tester shall meet the requirements of 49 C.F.R.
18 §383.75 and 49 C.F.R. §384.228, as adopted by rule by the
19 department. The department shall adopt rules requiring that a
20 third-party tester, other than a community college established
21 under chapter 260C, ~~shall be an Iowa-based motor carrier, or~~
22 ~~its subsidiary, that has~~ have its principal office place of
23 business within this state and ~~operates~~ operate a permanent
24 commercial driver training or testing facility in this state.
25 The rules may also provide that a third-party tester conduct a
26 number of skills test examinations above the number required
27 under 49 C.F.R. §383.75 in order to remain qualified as a
28 third-party tester under this section.

29 3. A community college or other third-party tester
30 authorized to administer driving skills tests pursuant to this
31 section may charge a fee to a license applicant for the driving
32 skills test administered to the applicant pursuant to this
33 section.

34 ~~3-~~ 4. As used in this section, "*third-party tester*" and
35 "*third-party skills test examiner*" mean as defined in 49 C.F.R.

1 §383.5.

2 Sec. 2. REPEAL. 2014 Iowa Acts, chapter 1123, section 23,
3 is repealed.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 Under Code section 321.187, two types of entities can be
8 authorized by the department of transportation (DOT) to act as
9 third-party commercial driver's license testers: community
10 colleges established under Code chapter 260C and Iowa-based
11 motor carriers.

12 This bill amends Code section 321.187 to allow any entity
13 to be authorized by the DOT to act as a third-party commercial
14 driver's license tester if the entity has its principal place
15 of business in Iowa and it operates a permanent commercial
16 driver training or testing facility in Iowa. The bill also
17 allows a third-party tester to charge a fee to a license
18 applicant for the driving skills test administered by the
19 tester. In addition, the bill strikes a provision requiring
20 DOT examiners to wear an identifying badge and uniform provided
21 by the DOT.

22 When Code section 321.187 was amended in 2014 to authorize
23 third-party testers, the general assembly included a future
24 repeal date of July 1, 2019, for the amendments. The bill
25 repeals that future repeal provision.